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of Santa Cruz and the Honorable Irwin Joseph,  
7 Commissioner of the Superior Court

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 **HUGH HOWARD,**

13 Plaintiff,

14 v.

15 **THE SUPERIOR COURT OF CALIFORNIA,  
SANTA CRUZ COUNTY, DEPARTMENT 4,**

16 and

17 **COMMISSIONER IRWIN JOSEPH**

18 Defendants  
19

C-07-3858 HMP

[Proposed] ORDER DISMISSING  
COMPLAINT [F.R.C.P., Rule 12(b)]

20 The Motion to Dismiss pursuant to Rule 12(b) Federal Rules of Civil Procedure,  
21 filed by defendant Superior Court of California, County of Santa Cruz and the Honorable Irwin  
22 Joseph, Commissioner of the Superior Court was heard in open court on October 17, 2007. Plaintiff  
23 appeared in pro se. The Superior Court of California, County of Santa Cruz and the Honorable Irwin  
24 Joseph, Commissioner of the Superior Court, appeared by counsel, Tom Blake, Deputy Attorney  
25 General.

26 The Court GRANTS the Motion to Dismiss as to defendants Superior Court of  
27 California, County of Santa Cruz and the Honorable Irwin Joseph, Commissioner of the Superior  
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1 Court, on the grounds that the Court is without jurisdiction as to the State of California and the  
2 courts and judicial branch officials thereof; that the complaint fails to state a claim upon which  
3 relief can be granted against the moving defendants.

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5 Dated: \_\_\_\_\_

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8 MARILYN HALL PATEL  
9 United States District Judge  
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **HOWARD, Hugh v. Superior Court**

No.: **C 07-3858-GMC**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On October 11, 2007, I served the attached **[Proposed] ORDER DISMISSING COMPLAINT [F.R.C.P., Rule 12(b)]** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Hugh Howard  
P. O. Box 2216  
Willits, California 95490

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 11, 2007, at San Francisco, California.

\_\_\_\_\_  
Marlene Dong

Declarant

\_\_\_\_\_  
/s/ Marlene Dong

Signature